

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00500
v.)	
)	
WELLS FARGO BANK, N.A.)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by Wells Fargo Bank Texas, N.A., (“Wells Fargo”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, Wells Fargo is a national bank chartered in Delaware. On information and belief, Wells Fargo sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served through their registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701, a place of business located at 300 Franklin Ave, Waco, TX 76701, or anywhere else they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent


6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. Wells Fargo maintains, operates, and administers methods and systems of unified banking systems that infringe, directly and indirectly, through contributory and/or induced infringement one or more claims of the ‘508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘508 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

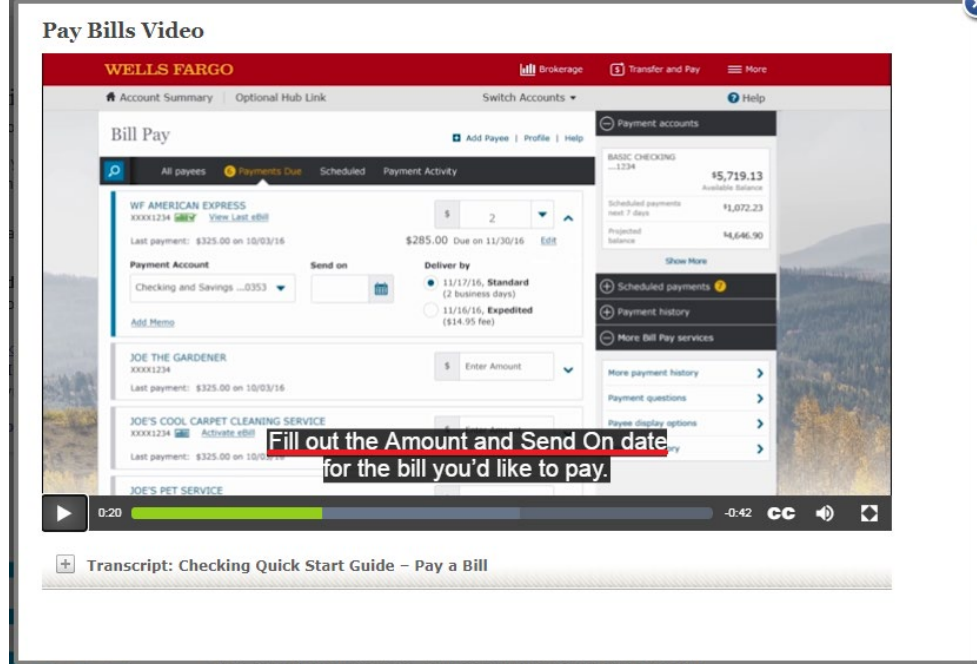
9. Support for the allegations of infringement may be found in the following preliminary table:

Claim	Wells Fargo
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>Wells Fargo, one of the largest banks in the world, employs roughly 273,000 team members and serves over 70 million customers across 8,500 locations and 13,000 ATMs. <u>The bank is driving a digital transformation journey to deliver a unified customer experience (CX), at the accelerated speed that their customers expect. As part of this journey, they built Wells Fargo Gateway, a Banking-as-a-Service (BaaS) platform that provides key services — such as account servicing, payments, and foreign exchange — through exposing APIs to Wells Fargo’s partners and developers.</u></p> <p>Attachment 1(MuleSoft customer story)</p> <p>Source:</p> <p>https://www.mulesoft.com/sites/default/files/2019-06/MuleSoft%20customer%20story%20-%20Wells%20Fargo.pdf</p>
<p>providing at least one common multi-channel server coupled to more than one e-banking touch points and also coupled to at least one computer system configured with at least one control console, said</p>	<p>Wells Fargo’s application network is the backbone to their <u>digital platform, enabling reuse of the same API across multiple channels.</u> This reuse allows more rapid project delivery — increasing the speed of IT project delivery from months to just weeks — and allows Wells Fargo to be more responsive to its customers’ needs.</p> <p>Attachment 1(MuleSoft customer story)</p> <p>Source:</p> <p>https://www.mulesoft.com/sites/default/files/2019-06/MuleSoft%20customer%20story%20-%20Wells%20Fargo.pdf</p>

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<p>more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Welcome to the Wells Fargo Online® Tour</p> <p>Whether you're new to online or interested in learning more about our helpful online services, this self-guided tour and digital guided demos will introduce you to the advantages of Wells Fargo Online and the Wells Fargo Mobile® app.</p> <p>Access accounts when and how you like With Wells Fargo Online and Wells Fargo Mobile, you can access and manage your money from your desktop or mobile devices. Conveniently:</p> <ul style="list-style-type: none"> ▪ Update your contact information ▪ Check your account balances ▪ Verify recent transactions ▪ Pay bills or send money to friends <p>See how easy it is to get started with Wells Fargo Online.</p>  <p>Attachment 2 (Overview - Online and Mobile Tour - Wells Fargo)</p> <p>Source: https://www.wellsfargo.com/online-banking/tour/</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	

Claim

Wells Fargo



Attachment 3: pay bill Video

Source: <https://www.wellsfargo.com/checking/quickstart/pay-bills-video/>

retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored

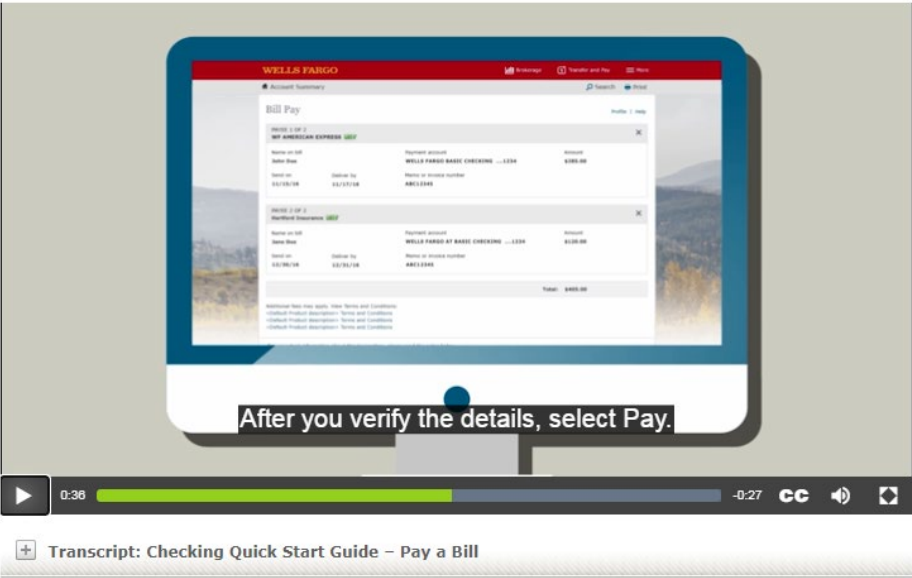
With Wells Fargo Online® you can quickly and securely manage your account information and place orders online.


Quick Links

Simply select a link below to sign on and go directly to service you need.


Activate Credit Card	Order Checks	Set Up Direct Deposit
Activate Debit Card	Order Official Bank Checks	Set Up or Modify Alerts
Add Accounts for Access Online	Replace My Card	Set Up Recurring Payments
Add/Change Email Address	Request a Balance Transfer	Share my Feedback
Change Privacy Preferences	Request Copies of Checks and Drafts	Stop Payment on a Check
Change Statement Delivery Preferences	Request Deposit Tickets with Checks	Turn Debit Card On or Off
Download Account Activity	Request Loan Payment History	Update Contact Information
Finish Application or View Status	Request Overdraft Protection	View Account Balances
Go to Wells Fargo Online Bill Pay	Request Statements	View Account Services
Make a Transfer	Send a Secure Email	View Message Center
		View Spending Report
		View Tax Documents

Attachment 4 Account Services

Claim	Wells Fargo
data comprises data from one or more financial institutions and one or more user-defined preferences;	<p>Source: https://www.wellsfargo.com/help/online-banking/services/</p>
delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;	<p>Pay Bills Video</p>  <p>Attachment 3: pay bill Video</p> <p>Source: https://www.wellsfargo.com/checking/quickstart/pay-bills-video/</p>

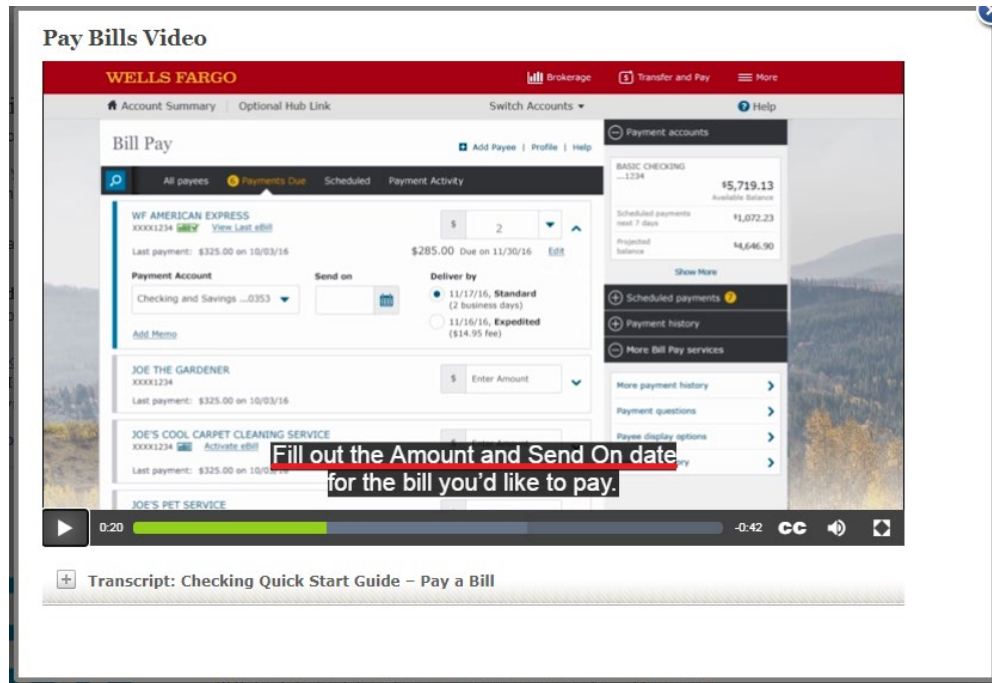
Claim	Wells Fargo																								
storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;	<div>Wells Fargo Retail Services Privacy Notice</div> <div>Rev. 01/2019</div> <div></div> <table><tr><td>FACTS</td><td>WHAT DOES WELLS FARGO BANK, N.A. DO WITH YOUR PERSONAL INFORMATION IN CONNECTION WITH YOUR WELLS FARGO RETAIL SERVICES ACCOUNT?</td></tr><tr><td>Why?</td><td>Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.</td></tr><tr><td>What?</td><td><div>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</div><div><div>■ Social Security number and employment information</div><div>■ account balances and transaction history</div><div>■ credit history and income</div></div></td></tr><tr><td>How?</td><td>All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Wells Fargo Retail Services chooses to share; and whether you can limit this sharing.</td></tr></table> <div>Attachment 5: Wells Fargo Retail Services Privacy Notice</div> <div>Source: https://retailservices.wellsfargo.com/pdf/privacy.pdf</div>	FACTS	WHAT DOES WELLS FARGO BANK, N.A. DO WITH YOUR PERSONAL INFORMATION IN CONNECTION WITH YOUR WELLS FARGO RETAIL SERVICES ACCOUNT?	Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	What?	<div>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</div> <div><div>■ Social Security number and employment information</div><div>■ account balances and transaction history</div><div>■ credit history and income</div></div>	How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Wells Fargo Retail Services chooses to share; and whether you can limit this sharing.																
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Claim	Wells Fargo
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p> <p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p><i>Go Far Rewards</i> offers more ways than ever to make great things happen. Your everyday purchases can add up to unique trips, merchandise, charitable donations, and more. With a Wells Fargo rewards-based credit card, you can earn <i>Go Far Rewards</i> on virtually all purchases¹, from filling the tank with gas, to stocking up on groceries, or dining at a favorite restaurant. You can also earn rewards on big-ticket purchases like booking a flight, or getting your daughter that new bike to celebrate her award-winning science project.</p> <p>Attachment 6: Wells Fargo Go Far Rewards)</p> <p>Source: https://www.wellsfargo.com/go-far-rewards/?linkLoc=fn</p> <p>It's easy to earn</p> <p>See how far you can go with <i>Go Far Rewards</i>. With a Wells Fargo rewards-based credit card, you can earn <i>Go Far Rewards</i> on virtually all purchases¹, from coffee or lunch at that little cafe around the corner to big ticket items, like a comfy new couch, cruise tickets, or a shiny new laptop.</p> <p>Attachment 7_ Earn Rewards – Wells Fargo</p> <p>Source: https://www.wellsfargo.com/go-far-rewards/earn-rewards/?linkLoc=fn</p>
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>Wells Fargo, one of the largest banks in the world, employs roughly 273,000 team members and serves over 70 million customers across 8,500 locations and 13,000 ATMs. <u>The bank is driving a digital transformation journey to deliver a unified customer experience (CX), at the accelerated speed that their customers expect. As part of this journey, they built Wells Fargo Gateway, a Banking-as-a-Service (BaaS) platform that provides key services — such as account servicing, payments, and foreign exchange — through exposing APIs to Wells Fargo's partners and developers.</u></p> <p>Attachment 1(MuleSoft customer story)</p> <p>Source:</p> <p>https://www.mulesoft.com/sites/default/files/2019-06/MuleSoft%20customer%20story%20-%20Wells%20Fargo.pdf</p>

Claim	Wells Fargo
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote from the other, and each of which comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Wells Fargo's application network is the backbone to their digital platform, enabling reuse of the same API across multiple channels. This reuse allows more rapid project delivery — increasing the speed of IT project delivery from months to just weeks — and allows Wells Fargo to be more responsive to its customers' needs.</p> <p>Attachment 1(MuleSoft customer story)</p> <p>Source:</p> <p>https://www.mulesoft.com/sites/default/files/2019-06/MuleSoft%20customer%20story%20-%20Wells%20Fargo.pdf</p> <p>Welcome to the Wells Fargo Online® Tour</p> <p>Whether you're new to online or interested in learning more about our helpful online services, this self-guided tour and digital guided demos will introduce you to the advantages of Wells Fargo Online and the Wells Fargo Mobile® app.</p> <p>Access accounts when and how you like With Wells Fargo Online and Wells Fargo Mobile, you can access and manage your money from your desktop or mobile devices. Conveniently:</p> <ul style="list-style-type: none"> ▪ Update your contact information ▪ Check your account balances ▪ Verify recent transactions ▪ Pay bills or send money to friends <p>See how easy it is to get started with Wells Fargo Online.</p>  <p>Attachment 2 (Overview - Online and Mobile Tour - Wells Fargo)</p> <p>Source: https://www.wellsfargo.com/online-banking/tour/</p>
receiving an actionable input from	

Claim


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Wells Fargo

Attachment 3: pay bill Video

Source: <https://www.wellsfargo.com/checking/quickstart/pay-bills-video/>

Claim	Wells Fargo																																				
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For joint marketing with other financial companies	No	We don't share																							
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No																							
For our affiliates' everyday business purposes — information about your creditworthiness	Yes	Yes																							
For our affiliates to market to you	Yes	Yes																							
For nonaffiliates to market to you	Yes	Yes																							

Claim	Wells Fargo
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p> <p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p><i>Go Far Rewards</i> offers more ways than ever to make great things happen. Your everyday purchases can add up to unique trips, merchandise, charitable donations, and more. With a Wells Fargo rewards-based credit card, you can earn <i>Go Far Rewards</i> on virtually all purchases¹, from filling the tank with gas, to stocking up on groceries, or dining at a favorite restaurant. You can also earn rewards on big-ticket purchases like booking a flight, or getting your daughter that new bike to celebrate her award-winning science project.</p> <p>Attachment 6: Wells Fargo Go Far Rewards)</p> <p>Source: https://www.wellsfargo.com/go-far-rewards/?linkLoc=fn</p> <p>It's easy to earn</p> <p>See how far you can go with <i>Go Far Rewards</i>. With a Wells Fargo rewards-based credit card, you can earn <i>Go Far Rewards</i> on virtually all purchases¹, from coffee or lunch at that little cafe around the corner to big ticket items, like a comfy new couch, cruise tickets, or a shiny new laptop.</p> <p>Attachment 7_ Earn Rewards – Wells Fargo</p> <p>Source: https://www.wellsfargo.com/go-far-rewards/earn-rewards/?linkLoc=fn</p>

10. These allegations of infringement are preliminary and are therefore subject to change.

11. Wells Fargo has and continues to induce infringement. Wells Fargo has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents.

Moreover, Wells Fargo has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

12. Wells Fargo has and continues to contributorily infringe. Wells Fargo has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, Wells Fargo has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

13. Wells Fargo has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award MCom its attorneys’ fees, expenses, and costs incurred in this action;
- e. declare Defendant’s infringement to be willful and treble the damages, including attorneys’ fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, loopy flourish underneath.

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